



**Charter Commission Special Meeting Minutes
City of Las Vegas Council Chambers
1700 North Grand Avenue
Tuesday, August 17, 2021 at 1:00 p.m.**

Call to Order

Chairman Apodaca called the meeting to order at 1:00p.m.

Roll Call

Present

Commission Chair Apodaca
Commission Vice Chair Salazar
Commissioner Ludi
Commissioner Madrid
Commissioner Einer
Commissioner Phillip Martinez

Absent

Commissioner Matt Martinez

Also Present

Darlene Arguello, City Staff

Approval of Agenda

Chairman Apodaca called for a motion to approve the agenda.

Commission Vice Chair Salazar made a motion to approve the agenda.

Commissioner Einer seconded the motion.

Motion passed unanimously.

Approval of Minutes

Chairman Apodaca called for a motion to approve the minutes.

Commissioner Ludi made a motion to approve the minutes.

Commissioner Madrid seconded the motion.

Motion passed unanimously.

Public Input

No public input.

Informational Items:

Chairman Apodaca advised the Commission that he received a call from City Clerk Fresquez advising that the Council did not grant an extension of time for the following reasons:

- City Council needs to review the input and proposed amendments from the Commission and also their input will take some time.
- In order for them to get the amendments on the March Election, extending the Charter Review deadline would not give them enough time to do that.
- Legal Counsel would be procured and work on the Council's revisions and the Commission's recommendations for inclusion on the ballot so the Commission would not be presenting to the Council.

Chairman Apodaca further elaborated on the processes that would be taken that were told to him.

Commissioner Einer asked the question if City Clerk Fresquez had mentioned what open meeting this was determined at, as to which Commission Chair Apodaca replied by saying no and he too found it troublesome and stated he knew that the Council had not met on this.

Further discussion was held as to the Commission's accomplishments in the short time period that they had. The Commission also discussed taking action on the proposed amendments at the next Special Meeting.

Chairman Apodaca stated that as of August 31, 2021, the Commission will no longer be active and so they can appear at the Council meeting in September as citizens and not a Commission and present their recommendations to Mayor and Council and express their concerns at that time.

Commissioner Einer expressed his concerns with the draft Charter that was presented to them at the beginning that did not emanate from the City Council and had not approved.

Further discussion was held on their concerns about when and what meeting these decisions were made.

Chairman Apodaca asked Ms. Arguello if they were placed on the agenda for their request of extension of the deadline for review of the Charter for the Council meeting on August 18, 2021. Ms. Arguello advised that she had prepared the agenda request, City Attorney Scott signed it and submitted it, and there was a meeting held with City Manager, City Attorney and City Clerk regarding the request. Ms. Arguello advised that she did not know who else was present at the meeting and was not informed of what was said. City Clerk Fresquez was to call Chairman Apodaca and explain to him the outcome of their decisions.

Further lengthy discussion was held about the obstacles they've had to overcome, the draft charter presented to them and the process of the review. Concerns were also expressed by Commissioner Einer regarding the process taken by City Officials and making decisions without the Council's approval. Chairman Apodaca and Commissioner Einer expressed their concerns about the denial of the agenda request for extension of the deadline and why wasn't it done in an open meeting and if Council was involved.

Chairman Apodaca encouraged the Commission to talk the City Council and see if they did make the decision of denying their request for an extension and not placing them on the agenda as he was told by City Clerk Fresquez.

Further discussion was held about the possible attendance of the Council meeting and signing up for public input and also their options of reporting possible violations of the Open Meetings Act or seeking advice from other entities.

The Commission made a decision to not allow this to impede on fulfilling their task by the deadline.

Chairman Apodaca outlined briefly the proposed amendments that they would be bringing forth.

- (1) Article II – increasing the number of Councilors from four to eight
- (2) Run-Off Elections
- (3) Mayor's Appointment of City Officials

Commissioner Ludi asked about the appointment of the Boards, Commissions and Committees and the appointment of a Campaign and Ethics Board. Further brief discussion was held and Chairman Apodaca stated there should be language put in the Charter that the City shall provide by the provisions of the Charter.

Vice Chair Salazar stated that they had also discussed that the elections would coincide with the State elections. Further brief discussion was held on the ordinances that would need to be put in place. Chairman Apodaca stated this would be the fourth proposed amendment.

Discussion

1. City Charter and Ordinances presented by Commissioner Einer.

Discussion:

Commissioner Einer talked about the mandatory duties of the Governing Body and a number of those duties are not being fulfilled.

Commissioner Einer outlined the following:

- Article II**
- Section 2.07(A) – Organizational Meeting

- Section 2.07(C) – Rules and Minutes
- Section 2.08(D) – the Governing Body shall adopt by ordinance the procedures for introduction and adoption of ordinances
- Section 2.08(B) – the Governing Body may adopt any standard code of technical regulations by reference thereto in an adopting ordinance

Article VI

- Section 6.05(B) – Police Advisory Commission. Powers and Duties.

Article IX

- Section 9.01(G) – Conflicts of Interest
- Section 9.03(E) – Political Activity

Further lengthy discussion was held in regards to each one of these mandatory duties of the Governing Body as per the City Charter.

Commissioner Einer stated that most of the problem lies not within the Charter itself, but with the compliance of it.

Lengthy discussion was held in regards to the duties of the Charter Commission and their review set by the Council. The Commission expressed their concerns and thoughts about the process that is being taken by the Governing Body in regards to Charter Review and the tasks they have been assigned.

Chairman Apodaca and Commissioner Madrid expressed their concerns about previous actions by the Governing Body in not following the Charter and would like to have something put in place such as the Campaign and Ethics Board to enforce the provisions of the Charter.

Commission Vice Chair Salazar expressed his pleasure of serving on the Commission and stated that regardless of the processes being taken by the Governing Body, they should continue with their task and get it completed. The Commission all agreed with moving forward.

Chairman Apodaca stated that the next meeting on August 19, 2021, would be for the Commission to take action on the suggested revisions and/or proposed amendments.

Commissioner Ludi expressed her concerns and asked questions about how they will know if their suggestions are in the right format and language and are in legal compliance.

Further brief discussion was held and Chairman Apodaca stated they will continue on with their task and complete it. He also explained that most of the changes were small and simplistic language changes.

Commissioner Madrid stated that she would not be available for the next meeting and asked if they could share what their proposed revisions were going to be.

Chairman Apodaca advised Commissioner Madrid of the revisions they agreed to propose:

- (1) the increase of City Councilors from four (4) to eight (8) and further briefly elaborated on

that. Chairman Apodaca also stated that it would be simpler to go through the redistricting process with the four wards and further briefly elaborated on that process.

- (2) simple elimination of the run-off election and going to a simple majority and further elaborated on that with further discussion from the Commission.
- (3) Mayor's appointments and elaborated on the suggested process.
- (4) Changing the elections to coincide with the general elections in November. Further lengthy discussion was held.
- (5) Commissioner Salazar brought up the suggestions on the Charter Review to be reviewed every three (3) years but not less than five (5) years.

Commissioner Einer stated that on Section 1.05(A) – Charter Review – that the duration of the Commission's term is being cut short. Further brief discussion was held.

Chairman Apodaca suggested setting a duration period for the Charter Commission Review to not less than six (6) months and not more than one (1) year. Commissioners all agreed. This would be the sixth proposed revision/amendment. Chairman Apodaca also stated that there should be a strong statement of compliance with the Charter.

Commission Vice Chair Salazar proposed a list be generated of things that should be done that aren't currently being done:

- (1) There shall be a Campaign and Ethics Board put in place.

Chairman Apodaca asked for someone to write up a statement/list of areas that they have identified of non-compliance by past and current Council. He asked that this be brought forth with the proposed revisions to the next Council meeting in September.

Further lengthy discussion was held in regards to the Ethics Board, compliance and enforcement.

Commissioner Phillip Martinez made a suggestion of having the Charter become part of the oath that the Council and Mayor take when appointed into office. Chairman Apodaca stated that they can present a copy of the Charter to them for their reading and stated that they can't make them read it. Commissioner Ludi stated that they would be signing for it and it would become their responsibility to read it.

Further lengthy discussion was held with suggestions of how to present the Charter to the Governing Body upon their appointment. Chairman Apodaca stated that they should add as another provision that a copy of the Charter shall be provided to the Governing Body at the Organizational Meeting. This would be added to the proposed amendments as number seven (7).

Commissioner Ludi brought up Councilor Romero's suggestions that all commissions have term limits. Discussion was held in regards to the terms and staggering terms set in the Charter for the boards, commissions and committees and possibly effecting term limits within the appointed boards, commissions and committees.

After further brief discussion, the Commission decided they would not propose any amendments to this section.

Commission Vice Chair Salazar asked the Commission if they could write down their proposed revisions and present it to themselves first before presenting them to the Governing Body.

Chairman Apodaca suggested that they present their recommendations to Mayor and Council and would like for the minutes to reflect them as the Charter Commission's proposed revisions and any changes hereinafter are those of Council.

Commission Vice Chair Salazar agreed to draft and compile the recommendations for the next meeting. Commissioner Einer agreed to write the statement to the Governing Body.

Further brief discussion was held on the Commission's tasks for the next meeting. Chairman Apodaca stated that at the next meeting, they would take action and vote on their proposed amendments for presentation to the Governing Body.

Chairman Apodaca requested that all Commission Members be present at the next City Council Meeting where they will request to be placed on the agenda to present their recommendations to Mayor and Council. Chairman Apodaca stated that they will no longer be an active Commission so they may appear as citizens and won't be in violation of the Open Meetings Act.

Chairman Apodaca stated that he would like entertain a thought at the next meeting of writing an article for the Optic of the Commission's proposals and accomplishments.

Commissioner Phillip Martinez asked about the process of Mayor's appointments and the process when a Councilor resigns. Brief discussion was held on the process taken.

Commissioner Ludi brought up the Governing Body's suggestion on increasing the compensation. Brief discussion was held and the Commission decided that they would not make any recommendations on that section.

Chairman Apodaca proposed bringing the revisions and general statements to the next meeting and concludes with that being their last meeting.

Adjournment

Chairman Apodaca entertained a motion to adjourn.

Commissioner Einer made a motion to adjourn.

Commissioner Phillip Martinez seconded the motion.

Motion to adjourn passed. Meeting adjourned at 2:46 p.m.



Commission Chair Apodaca

9/11/2021

Date